

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SECURITIES AND EXCHANGE
COMMISSION,

Case No.: 15cv1276-MMA (DHB)

Plaintiff,

**AMENDED FINAL JUDGMENT AS
TO DEFENDANT AKIS C.
ERACLEOUS**

MICHAEL J. FEFFERMAN, CHAD E. WIEGAND, AKIS C. ERACLEOUS, ERACLES PANAYIOUTOU.

Defendants.

The Securities and Exchange Commission having filed a Complaint and Defendant Akis C. Eracleous (“Defendant”) having entered a general appearance; consented to the Court’s jurisdiction over Defendant and the subject matter of this action; consented to entry of this Final Judgment; waived findings of fact and conclusions of law; and waived any right to appeal from this Final Judgment:

I.

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Defendant is permanently restrained and enjoined from violating, directly or indirectly, Section 10(b) of the Securities Exchange Act of 1934 (the “Exchange Act”), 15 U.S.C. § 78j(b), and Rule 10b-5 promulgated thereunder, 17 C.F.R. § 240.10b-5, by using any means or

1 instrumentality of interstate commerce, or of the mails, or of any facility of any national
2 securities exchange, in connection with the purchase or sale of any security:

- 3 (a) to employ any device, scheme, or artifice to defraud;
- 4 (b) to make any untrue statement of a material fact or to omit to state a material
5 fact necessary in order to make the statements made, in the light of the
6 circumstances under which they were made, not misleading; or
- 7 (c) to engage in any act, practice, or course of business which operates or would
8 operate as a fraud or deceit upon any person.

9 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, as provided
10 in Federal Rule of Civil Procedure 65(d)(2), the foregoing paragraph also binds the
11 following who receive actual notice of this Final Judgment by personal service or
12 otherwise: (a) Defendant's officers, agents, servants, employees, and attorneys; and (b)
13 other persons in active concert or participation with Defendant or with anyone described
14 in (a).

15 **II.**

16 **IT IS HEREBY FURTHER ORDERED, ADJUDGED, AND DECREED** that
17 Defendant is liable for disgorgement of \$21,099.45, representing profits gained as a result
18 of the conduct alleged in the Complaint, together with prejudgment interest thereon in the
19 amount of \$1,694.68. This disgorgement and prejudgment interest award shall be
20 deemed satisfied by the entry of the forfeiture order in United States v. Wiegand, et al.,
21 Crim. No. 15-cr-01462-DMS (S.D. Cal.).

22 **III.**

23 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that the
24 Amended Consent is incorporated herein with the same force and effect as if fully set
25 forth herein, and that Defendant shall comply with all of the undertakings and agreements
26 set forth therein.

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IV.

2 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that, for
3 purposes of exceptions to discharge set forth in Section 523 of the Bankruptcy Code, 11
4 U.S.C. § 523, the allegations in the complaint are true and admitted by Defendant, and
5 further, any debt for disgorgement, prejudgment interest, civil penalty or other amounts
6 due by Defendant under this Final Judgment or any other judgment, order, consent order,
7 decree or settlement agreement entered in connection with this proceeding, is a debt for
8 the violation by Defendant of the federal securities laws or any regulation or order issued
9 under such laws, as set forth in Section 523(a)(19) of the Bankruptcy Code, 11 U.S.C. §
10 523(a)(19).

V.

12 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** that this Court
13 shall retain jurisdiction of this matter for the purposes of enforcing the terms of this Final
14 Judgment.

VI.

17 There being no just reason for delay, pursuant to Rule 54(b) of the Federal Rules of
18 Civil Procedure, the Clerk is ordered to enter this Amended Judgment forthwith and
19 without further notice.

20 Dated: August 16, 2018

Michael M. Anello
Hon. Michael M. Anello
United States District Judge